REMARKS

At the onset, Applicant wishes to thank the Examiner for the courtesy extended to Applicant's attorney representative in a telephonic interview conducted on April 18, 2005. In the interview, the Examiner suggested several amendments of claim 1. Some, but not all, of the suggested amendments have been incorporated into claim 1 by the present Amendment. Specifically, suggested amendments of claim 1 to recite that the second region is curved, and that the second region is adapted to fit within a gutter have not been incorporated. Furthermore, the suggestion that claim 1 be amended to recite that the third region is in the form of a curved cradle has not been incorporated.

Claims 1-9 are pending in the application as amended. Claim 1 has been amended to more particularly point out and claim the invention. As discussed below in detail, support for the amendment is found in the original specification at least at page 4, lines 14-23, page 5, lines 12-18, and in Figs. 2-4. No new matter has been added by the amendments.

Claim Rejection – 35 U.S.C. § 102, claims 1-9, de Wilde

The Examiner has rejected claims 1-9 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,940,198 (de Wilde). The Examiner contends that de Wilde sets forth a bracket including a first region capable of being attached to a building, a second region capable of spanning a gutter; and a third region capable of receiving the rung of a ladder. Applicant respectfully traverses this rejection.

De Wilde is directed to a bracket for fixing a gutter to an eve section of a building. The bracket is to be fixed to a corrugated sheet 1 of a roof and includes an elongated supporting part 3 which is fitted against the bottom side of a corrugated ridge 2 of a corrugated sheet 1. The bracket is used to secure the gutter to the corrugated sheet 1 of the roof. It is noted that the gutter runs transverse to the corrugated sections of the corrugated sheet 1. In summary, de Wilde is directed to a bracket for a corrugated roof for mounting a gutter to the bracket.

Claim 1 is directed to a ladder support bracket, and as amended recites, *inter alia*:

...

the bracket comprising a first flat region, at least one fastener secured to said first flat region and being adapted to be secured to a rigid portion of the building, a second region adapted to span over the gutter, and a third region in the form of a cradle adapted to receive and support the rung of the ladder.

Claim 1 has been amended to recite that the first region of the ladder support bracket is flat. Support for this amendment is found in the original specification at least at page 4, lines 14-20 and in original Figs. 3 and 4. Claim 1 has been further amended to recite that at least one fastener is secured to the first region and is adapted to be secured to a rigid portion of the building. Support for this amendment is found at least at page 4, lines 20-23, at page 5, lines 12-18, and in Fig. 2. Claim 1 has been further amended to recite that the second region of the ladder support bracket is adapted to span over the gutter. Support for this amendment is found at least at page 4, lines 14-20 and in Fig. 2. Claim 1 has been further amended to recite that the third region is adapted to support a rung of a ladder. Support for this amendment is found at least at page 4, lines 14-20.

De Wilde does not disclose each and every element of claim 1. Fundamentally, the corrugated sheet 1 identified by the Examiner as disclosing the bracket of the present invention is a corrugated sheet forming a roof. The bracket unit of de Wilde is bracket part 10 (or 31, 35, and 36) in combination with supporting part 3 (or 20). The corrugated roof 1 relied upon by the Examiner is not a bracket. Furthermore, de Wilde fails to disclose at least one fastener secured to a first flat region and being adapted to be secured to a rigid portion of a building. De Wilde discloses a fastener 6 securing supporting part 3 and bracket part 10 to the corrugated sheet 1. The fastener 6 of de Wilde is not disclosed to be secured to a rigid portion of a building. Still further, de Wilde fails to disclose a bracket having a second region adapted to span **over** a gutter. In de Wilde, the second region identified by the Examiner is not disclosed to span **over** the gutter. The person of ordinary skill in the pertinent art would recognize that extending the corrugated sheet roof to span over a gutter would defeat the purpose of the gutter, and would not be reasonable. Claims 2-9 all dependent upon claim 1 and are similarly patentable over de Wilde based at least upon their dependency upon claim 1. It is respectfully requested that the Examiner withdraw the rejection of claims 1-9 under 35 U.S.C. § 102 (b).

Claim Rejection – 35 U.S.C. § 102, claims 1-9, Lee et al.

The Examiner has also rejected claims 1-9 under 35 USC § 102(b) as being anticipated by United Kingdom Patent No. 2,118,236 A (Lee *et al.*, hereinafter "Lee"). The Examiner contends that Lee discloses a bracket comprising a first region capable of being attached to a building; a second region capable of spanning a gutter; and a third region capable of receiving the rung of a ladder. The Examiner contends that first region is the form of a planar sheet that is bendable and includes securing points. Applicant respectfully traverses this rejection.

Lee is directed to a ladder attachment for preventing sideways slippage or swinging of a ladder. The attachment includes a pair of parallel curved or angled supporting arms 11 and a transverse pressure plate 18 which is pivotably attached to the respective ends of the arms 11 and projects laterally there beyond. The arms includes hooks 24, 25 for securement of the attachment 10 to the ladder 30. The pressure plate 18 is disclosed to merely rest on the surface of the building, such as the roof. That is, the attachment and/or pressure plate 18 is not secured to the building.

Lee does not disclose each and every element set forth in claim 1. Claim 1 as amended recites that the bracket includes at least one fastener secured to the first flat region and adapted to be secured to a rigid portion of a building. The Examiner has identified the pressure plate 18 as disclosing the first region of claim 1. However, the pressure plate 18 is not disclosed as being secured to the building. On the contrary, the pressure plate 18 is disclosed to merely rest on the building. Thus Lee fails to disclose the feature recited in claim 1 of at least one fastener adapted to be secured to a rigid portion of a building. Accordingly, Lee does not disclose each and every element of claim 1, as amended. Claims 2 through 9 are dependent upon claim 1 and are patentable based at least upon their dependency upon claim 1. Therefore, Applicant respectfully requests that the rejection of claims 1-9 under 35 U.S.C. § 102(b) be withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, it is respectively submitted that the present application, including claims 1-9, is in condition for allowance.

Respectfully submitted,

6/21/05
(Date)

By: Reg No 48955 for
ARVO POLDMAA
MARTIN G. BELISARIO
Registration No. 32,886

AKIN GUMP STRAUSS HAUER & FELD LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103-7013
Telephone: 215-965-1200
Direct Dial: 215-965-1303
Facsimile: 215-965-1210
E-Mail: &@@akingump.com

MGB/KBG
Enclosure: Petition for three-month Extension of Time